



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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September 28, 2021

BY ECF

The Honorable Barbara C. Moses  
United States Magistrate Judge  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *New York Immigration Coalition, et al. v. U.S. Dep't of Homeland Security*,  
19 Civ. 3438 (BCM)

Dear Judge Moses:

This Office represents Defendant in the above-captioned action brought pursuant to the Freedom of Information Act ("FOIA"). On July 28, 2021, the parties informed the Court that they had reached an agreement resolving the merits of this action. *See* Dkt. No. 65. The Court ordered the parties to file a stipulation of dismissal by August 20, 2021, and to update the Court with respect to the only remaining issue in this litigation—Plaintiffs' claim for attorney's fees—by September 28, 2021. *See* Dkt. No. 66. The parties filed the stipulation of dismissal on August 20, 2021, which the Court so ordered on August 23, 2021. *See* Dkt. Nos. 67, 68. This letter provides the Court with a status update as to the parties' negotiations with respect to Plaintiffs' claim for attorney's fees.

Plaintiffs provided Defendant with their fee demand and supporting documentation (billing records) on September 3, 2021. Thereafter, Defendant requested additional information from Plaintiffs, which Plaintiffs provided on September 14, 2021. Defendant is now evaluating these billing records and evaluating its position as to attorney's fees. After evaluating these materials, Defendant will seek the requisite approvals within the agency for settlement authority, a process that routinely takes several weeks. Thereafter, the parties will engage in further discussions in order to determine whether a settlement is feasible.

Accordingly, the parties respectfully request an additional 60 days to allow Defendant to undertake this process and to allow the parties to engage in further settlement discussions. The parties respectfully request that they provide the Court with a further status update by December 1, 2021.

The parties thank the Court for its consideration of this request.

Respectfully,

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